

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

BARBARA BUSH,

Plaintiff,

Case No. 04-C-1127

v.

JO ANNE B. BARNHART,
Commissioner of Social
Security Administration,

Defendant.

OPINION AND ORDER

The parties to this petition for judicial review of a social security case have jointly moved the court to remand this action to the Commissioner for further proceedings and to enter judgment pursuant to sentence 4 of 42 U.S.C. § 405(g) in favor of the Plaintiff.

Accordingly, the court ORDERS that the “Joint Motion for Remand for Further Proceedings Pursuant to Sentence 4 of 42 U.S.C. § 405(b)” (filed September 19, 2005) IS GRANTED. This action is remanded to the Commissioner of the Social Security Administration pursuant to Sentence 4 of Section 205 of the Social Security Act, 42 U.S.C. § 405(g). Upon remand, the ALJ will be directed to assess the Plaintiff’s credibility as required by SSR 96-7p and Zurawski v. Halter, 245 F.3d 881, 887-88 (7th Cir.2001). In addition, the Administrative Law Judge will be directed to obtain supplemental vocational expert testimony and to provide the vocational expert with a hypothetical question that is consistent with the assessed residual functional capacity

for simple, repetitive, sedentary work, which allows alternating between sitting and standing at will, and does not require pushing, pulling, kneeling, crawling, use of vibratory equipment, exposure to extreme temperatures or exposure to unprotected heights or dangerous moving machinery. The Administrative Law Judge will re-evaluate whether Plaintiff retains the residual functional capacity to perform a significant number of jobs and issue a new decision.

IT IS FURTHER ORDERED that the Clerk of Court shall enter a judgment as a separate document. See Federal Rule of Civil Procedure 58. This judgment shall provide that:

This action for judicial review of a final decision of the Commissioner of Social Security brought by Plaintiff Barbara Bush came before the court, the Honorable Thomas J. Curran, District Judge, presiding and the parties having stipulated to remand for further proceedings and the entry of judgment,

IT IS ORDERED AND ADJUDGED

the final decision of the Commissioner of Social Security is reversed and that this action is remanded to the Commissioner for further proceedings pursuant to sentence 4 of 42 U.S.C. § 405(g). Upon remand, the ALJ shall assess the Plaintiff's credibility as required by SSR 96-7p and Zurawski v. Halter, 245 F.3d 881, 887-88 (7th Cir.2001). In addition, the Administrative Law Judge shall obtain supplemental vocational expert testimony and to provide the vocational expert with a hypothetical question that is consistent with the assessed residual functional capacity for simple, repetitive, sedentary work, which allows alternating between sitting and standing at will, and does not require pushing, pulling, kneeling, crawling, use of vibratory equipment, exposure to extreme temperatures or exposure to unprotected heights or dangerous moving machinery. The Administrative Law Judge shall re-evaluate whether Plaintiff retains the residual functional

capacity to perform a significant number of jobs and issue
a new decision.

Done and Ordered in Chambers at the United States Courthouse,
Milwaukee, Wisconsin, this 20th day of September, 2005.

s/ Thomas J. Curran
Thomas J. Curran
United States District Judge